

ATTORNEYS FOR APPLICANTS
RSM PRODUCTION CORPORATION AND JACK GRYNBERG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE THE APPLICATION OF RSM
PRODUCTION CORPORATION AND
JACK GRYNBERG,

Civil Action No. 19-Misc.____

REQUEST FOR DISCOVERY
PURSUANT TO 28 U.S.C. §1782.

EX PARTE APPLICATION FOR DISCOVERY PURSUANT TO 28 U.S.C.
§1782

COMES NOW, Applicants, Jack Grynberg and RSM Production Corporation (“Applicants”), and applies for an *ex parte* Order pursuant to 28 U.S.C. § 1782 to obtain discovery in the form of subpoenas to be served on banks located within the Southern District of New York, and for the production of relevant documents in the possession, custody, and/or control of Bank of America N.A.; Bank of NY Mellon; BNP Paribas SA; Citibank N.A.; Commerzbank AG; Deutsche Bank AG; HSBC Bank (USA) NA; JPMorgan Chase Bank N.A.; Royal Bank of Scotland PLC; Standard Chartered Bank; UBS AG; Wells Fargo Bank, N.A.; Credit Suisse; and Safra National Bank of New York (collectively, the “New York Banks”) for use in the pending foreign Israeli proceeding *RSM Production Corp. et al v. Minister of National Infrastructures, Energy and Water et al.*, Civil Case No. 27516-04-15 (the “Israeli Proceeding”) for the reasons set forth in this Application, the Memorandum of Law, the Declaration and exhibits thereto, submitted contemporaneously with this Application.

This Application meets all of the statutory and discretionary requirements necessary to obtain discovery under Section 1782:

1. Each of the New York Banks “resides” at or is “found” in this district;
2. Applicants, the plaintiffs in the Israeli proceeding, are “interested” persons;
3. The Israeli Proceedings are pending before a “foreign or international tribunal,” and the information obtained will be used in and in support of the Israeli Proceeding.

In addition, the discretionary factors favoring discovery are also satisfied:

1. The New York Banks are not a party to the litigation in Israel;
2. The Applicants are not attempting to circumvent the requirement of the Jerusalem District Court;
3. The Israeli courts are receptive to this form of discovery; and
4. The discovery sought is not unduly burdensome or intrusive.

In further support of this Application, the Applicants rely on the accompanying memorandum of law and the declaration of Noam Schreiber, with attached exhibits submitted herewith. A proposed order is submitted herewith.

Wherefore, Applicants respectfully request that this Court enter an order:

1. Authorizing Applicants to issue and serve subpoenas on the New York Banks for the production of the following documents:

All wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or

cancelled checks in the name of, or concerning, Binyamin (or Benjamin) Ben-Eliezer for the period beginning January 1, 2006 to December 31, 2008.

2. Directing the New York Banks to produce the documents requested in their respective subpoenas within twenty-one days of service of the subpoena and as required under the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.
3. Directing the New York Banks to preserve documents and evidence, electronic or otherwise, in their possession, custody or control that contain information potentially relevant to the subject matter of the Applicants' document request.
4. Retaining jurisdiction over this matter for the purpose of enforcement and assessing any supplemental request for discovery assistance that may be requested by the Applicants.

Based on the reasons set forth in this Application; the declaration of Noam Schreiber, Adv.; as well as the exhibits thereto; and the Memorandum of Law; Applicants clearly meet the requirements of 28 U.S.C. §1782, and this Application for the Order should be granted.

A proposed order and subpoenas are submitted together with this Application.

Dated: New York, NY
January 30, 2019

Respectfully submitted,

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